

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION

IN THE MATTER OF:

Douglas Stauffer Bell, Sr.,  
Nancy Clark Bell

Debtors

)  
Case Number 11-08707-8-JRL  
Chapter 13  
)

**Motion to Reconsider or Vacate Order Granting Relief from Stay**

NOW COMES the debtor herein, by and through their attorney and hereby moves to Reconsider or Vacate Order Granting Relief from Stay pursuant to 11 USC Section 362(d) for the following reason:

1. The Debtor failed to contest the Motion for Relief by National Auto Finance due to the failure to receive Notice. Notice was also not received by Debtor's attorney.
2. Debtor intends to Motion the Court to turn over the vehicle and include it in the Debtor's Plan, as stated in Debtor's Petition.

WHEREFORE, the debtor prays this Court vacate the Order granting National Auto Finance relief from the stay and set a Hearing at which the debtor may seek the turn over of the vehicle.

This the 27<sup>th</sup> day of February, 2012.

CALDER & CALDER, LLP.

By: s/ j. keith calder  
J. Keith Calder  
Attorney for Debtors  
611 Princess Street  
Wilmington, NC 28401  
(910) 763-1683  
State Bar No.: 15791

### CERTIFICATE OF SERVICE

This is to certify, under penalty of perjury, that at all times hereinafter mentioned, the undersigned was more than eighteen (18) years of age and has this day served the attached MOTION to Reconsider or Vacate Order Granting Relief from Stay on all the parties in interest to this cause by depositing a copy hereof, first-class postage prepaid, in the United States mail, addressed as follows:

Mr. Richard M. Stearns  
Chapter 13 Trustee  
Post Office Box 2218  
Kinston, NC 28502  
(Via ECF)

National Auto Finance.  
Attn: Managing Agent  
200 Renaissance Ctr  
Detroit, MI 48243

Ms. Marjorie Lynch  
U.S. Bankruptcy Administrator  
Post Office Box 3758  
Charlotte, North Carolina 28203  
Wilson, NC 27895

Pamela P. Keenan  
Kirschbaum, Nanney, Keenan & Griffin, PA  
2418 Blue Ridge Road  
Raleigh, North Carolina 27607  
Attorney for National Auto Finance

Douglas S. Bell, Sr.  
Nancy Clark Bell  
4100 Sound Drive  
Morehead City, NC 28557

This the 27<sup>th</sup> day of February, 2012.

CALDER & CALDER, LLP.

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## **Order to Set Aside Order Granting Relief from Stay**

THIS CAUSE coming before the undersigned on debtor's Motion to Reconsider or Vacate Order Granting Relief from Stay, and it thus appearing to the Court that, by the greater weight of the evidence, such Order should be allowed.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor's Motion for to Set Aside the Order granting National Auto Finance relief from the Automatic Stay shall be allowed.

END OF DOCUMENT